

Waste Compliance and Mitigation Program Staff Report
Solid Waste Facilities Permit Revision for the Mussel Rock Transfer Station
SWIS No. 41-AA-0015
July 27, 2010

Background Information, Analysis, and Findings:

This report was developed in response to the San Mateo County Local Enforcement Agency (LEA) request for Department of Resources Recovery and Recycling (Department) concurrence on the issuance of a proposed solid waste facilities permit revision for the Mussel Rock Transfer Station, SWIS No. 41-AA-0015, located in San Mateo County. The facility is owned by Daly City, and operated by Allied Waste Services of North America. A copy of the proposed permit is attached. The report contains Waste Compliance and Mitigation Program (WCMP) staff's analysis, findings, and recommendations.

The permit application package was received on April 13, 2010 and the proposed permit was received on July 7, 2010. Action must be taken on this permit no later than September 5, 2010. If no action is taken by September 5, 2010, the Department will be deemed to have concurred with the issuance of the proposed permit.

Proposed Changes

Following are the proposed project changes:

	Current Permit (1995 SWFP)	Proposed Permit
Permitted Hours	Public Hours: 8:00 a.m. - 5:00 p.m. Monday – Saturday Transfer Station Hours of Operation: Monday – Saturday 4:00 a.m. - 5 p.m.	Transfer/Processing: 4:00 a.m. - 5:00 p.m. Monday – Saturday; Public Receiving: 6:30 a.m. – 5:00 p.m. Monday – Saturday; Collection Vehicles: 4:00 a.m. – 5:00 p.m. Monday – Saturday Transfer Vehicles: 4:00 a.m. – 3:00 p.m. Monday – Friday; 4:00 a.m. – 10:00 a.m. Saturday
Permitted Traffic Volume	105 Vehicles per day	Refer to the Transfer Processing Report and LEA Permit Condition “C”.
Findings	<ul style="list-style-type: none"> a. This permit is consistent with the County Solid Waste Management Plan dated 1989, pg. V1-8. b. This permit is consistent with standards adopted by the CIWMB. PRC Section 44010. c. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA. d. The Daly City Fire Department has determined that the facility is in conformance with applicable fire standards as required in PRC, Section 44151. 	<ul style="list-style-type: none"> a. This permit is consistent with the San Mateo County Integrated Waste Management Plan, which was approved by the CIWMB on October 26, 1999. The location of the facility is identified in the Non-Disposal Facility Element, pursuant to PRC, Section 50001(a). b. This permit is consistent with the standards adopted by the CIWMB pursuant to PRC Section 44010. c. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the enforcement agency, pursuant to PRC Section 40009.

	<p>e. An environmental determination (i.e., Notice of Determination) is filed with the State Clearinghouse for all facilities which are not exempt from CEQA and documents pursuant to PRC Section 21081.6. EIR Resolution date 3/16/77.</p> <p>f. A County-wide Integrated Waste Management Plan has not been approved by the CIWMB.</p> <p>g. The following agent has made a determination that the facility is consistent with, and designated in, the applicable general plan: City of Daly City, PRC Section 50000.5(a)</p> <p>h. The following local governing body has made a written finding that surrounding land use is compatible with the facility operation as required in PRC, Section 50000.5(b), City of Daly City.</p>	<p>d. The Daly City Fire Department has determined that the facility is in conformance with applicable fire standards, pursuant to PRC, Section 44151.</p> <p>e. A Mitigated Negative Declaration (MND) was filed with the State Clearinghouse (SCH #2009052099) and certified by the Daly City Council on July 13, 2009. The MND describes and supports the design and operation, which will be authorized by the issuance of this permit. A Notice of Determination was filed with the State Clearinghouse on July 14, 2009.</p>
Prohibitions	<p>The permittee is prohibited from accepting any liquid, waste sludge, non-hazardous wastes needing special handling, designated waste, or hazardous waste unless such waste is specifically listed below (i.e., Nonhazardous municipal solid waste), and unless the acceptance of such waste is authorized by all applicable permits. The permittee is additionally prohibited from (accepting) the following items: scavenging, dead animals, hazardous wastes, pesticide containers, flammable wastes and medical wastes.</p>	<p>The permittee is prohibited from accepting the following wastes: Hazardous, radioactive, medical (as defined in Chapter 6.1, Division 20 of the Health and Safety Code), liquid, designated or other wastes requiring special treatment or handling, and autoclaved sharps waste from large quantity generators except as identified in the Report of Facility Information and approved amendments thereto and as approved by the enforcement agency and other federal, state, and local agencies.</p>
Documents	<p>Report of Facility Information 7/3/95; Land Use Permits and Conditional Use Permits: Daly City Use Permit 3/18/77, Amended CUP 95-151 June 1995; Environmental Impact Report January 1977; CEQA Determination Letter – City of Daly City 5/23/95.</p>	<p>Transfer Processing Report, February 2010; BAAQMD Permit to Operate #10373, August 2010; Mitigated Negative Declaration (SCH #2009052099), July 13, 2009; City Use Permit UP08-18, July 2009; California Coastal Commission 2-DYC-09-076, July 2009; SMCO Sanitation District Permit #12849, November 2009.</p>
Self-Monitoring	<p>Results of all self-monitoring programs as described in the Report of Facility Information, will be reported as follows:</p> <ol style="list-style-type: none"> 1. Submit to the enforcement agency a report giving the total tonnage of waste handled per day. <p>Also to be listed in the report should be the amounts of waste by type which are recycled each day.</p> <ol style="list-style-type: none"> 2. The logbook of special occurrences must be available on site for review. 3. Results of the Station Load Checking Program must be submitted to the enforcement agency. 	<p>The owner/operator shall submit the results of all self monitoring programs to the Enforcement Agency within 30 days of the end of the reporting period (e.g., 1st quarter = January-March, the report is due by April 30, etc.. Information required on an annual basis shall be submitted with the 4th quarter monitoring report, unless otherwise stated.)</p> <ol style="list-style-type: none"> a. The types and quantities of waste (in tons), including separated or commingled recyclables, entering the facility per day. b. The daily and monthly total of the number of commercial, industrial and private vehicles utilizing the facility. c. Results of the hazardous waste load check program, including the quantities and types of hazardous wastes, medical wastes or otherwise prohibited wastes found in the waste stream and the

		<p>disposition of these materials.</p> <ul style="list-style-type: none"> d. Copies of all written complaints regarding this facility and the operator's actions taken to resolve the complaint. e. Employee training log with dates of training, and course descriptions. This shall be maintained and kept current. f. Calculate the quantity of waste transferred to the landfill for disposal each day. g. The operator shall maintain a log of special occurrences. This log shall include but is not limited to, fires, explosions, the discharge and disposition of hazardous or unpermitted wastes, and significant injuries, accidents or property damage. Each log entry shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The log shall be available to site personnel and the EA at all times.
Conditions	<ul style="list-style-type: none"> 1. The design and operation of this facility must comply with all of the state minimum standards for solid waste handling and disposal. 2. Records of total municipal solid waste transferred and recycled must be available on site for review. 3. The maximum time that municipal solid waste can be stored at the Mussel Rock Transfer Station is 48 hours. 4. All recyclable materials must be removed when storage bins are full. 5. The LEA reserves the right to require the operator to provide more stringent dust and odor control measures if the proposed dust and odor control measure prove inadequate or ineffective. <p>Provisions: The station floor, trailer loading areas, exterior grounds, etc. shall be thoroughly cleaned daily of wastes and litter. All wash down water is to be delivered to the San Mateo County Sanitation District sewer system. All transfer and collection vehicles shall be cleaned weekly and maintained in good working condition. The Mussel Rock Transfer Station has a design capacity of 500 tons per day of municipal solid waste and shall not receive more than 500 tons per day without a revision of the permit. Lighting will be directed downward and pointed away from sensitive receptors.</p>	<ul style="list-style-type: none"> a. The operator shall comply with all provisions mandated under the state minimum standards for solid waste handling and disposal as specified in Title 14, CCR, Chapter 3. b. The operator shall comply with all federal, state and local requirements and enactments including any mitigation measures given in any certified environmental document filed pursuant to PRC, Section 21081.6. c. The maximum permitted daily tonnage for this facility is 500 tpd and shall not receive more than this amount without a revision of the permit. Upon receiving the peak solid waste tonnage of 500 tpd, this facility shall prohibit site access for any additional waste vehicles (commercial or public). d. The owner/operator shall keep all information of the current Transfer Processing Report updated pursuant to Title 14, CCR Section 17403.9. The LEA reserves the right to request and receive any information that it deems necessary to conduct an inspection, review and/or write a SWFP. e. All new construction shall be inspected and approved by the LEA prior to commencement of operations. f. All green waste activities and related activities shall be conducted in a manner that precludes the attraction, breeding, and/or harborage of vectors. g. All debris boxes within the permitted boundary of the facility shall be cleaned and maintained at a frequency to prevent the propagation of flies, rodents, other vectors and or the creation of nuisances and as specified in CCR Title 14 Section

		<p>17341 Equipment Construction.</p> <p>h. The owner/operator of this facility shall provide additional dust control and cleaning methods to the facility as necessary to mitigate dust generation resulting from facility operations as determined by the LEA and as specified in CCR 14 Section 17407.4 Dust Control.</p> <p>i. Station personnel shall be posted to control traffic to and from the recyclables storage bunker area. At least one station employee shall be positioned and responsible for traffic control to/from the bunker area during the hours of 6:30 a.m. to 3:30 p.m. Monday - Friday and Saturdays from 6:30 a.m. to 10:30 a.m.</p> <p>j. The following cleaning and maintenance schedule shall be implemented for this facility: station floor, trailer loading areas, area of the Westside compactor, area in and around the recyclable bunker area and exterior grounds shall be thoroughly cleaned daily of wastes and litter as determined by the LEA.</p> <p>k. The operator shall implement bird control measures as necessary to prevent birds entering and feeding on the waste materials in the station. Additional bird control measures may be required as determined by the LEA.</p>
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In addition the following changes are being made to the site; installation of an additional compactor unit along the west wall of the facility, installation of recyclable material containers in the back of the facility, installation of a 100 linear foot retaining wall, expand single stream residential/commercial activities, and installation of two moveable containers – one for e-waste and one for tires.

Findings

All required submittals and findings required by Title 27, Section 21685 have been provided and made. Staff has determined that California Environmental Quality Act requirements have been met to support concurrence. The findings are summarized in the table below. The documents on which staff's findings are based have been provided to the Deputy Director with this Staff Report and are permanently maintained in the facility files maintained by the Waste Compliance and Mitigation Program.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA certified complete and correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated March 16, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
21685(b)(2) LEA Five Year Permit Review	The LEA completed a Five Year Permit Review on September 21, 2006 and provided a copy to the Department on October 11, 2006.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	The LEA submitted a proposed solid waste facilities permit on July 7, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on July 7, 2010 provided a finding that the facility is consistent with PRC 50001 and WCMP staff in the Jurisdiction Compliance and Audit Section found the facility is identified in the Countywide Siting Element as described in their memo dated May 4, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7) Operations Consistent with State Minimum Standards	CEED and PLEAS staff conducted a pre-permit inspection of the site on July 13, 2010. No violations or areas of concern were noted.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) LEA CEQA finding	The LEA provided a finding in their permit submittal package received on July 7, 2010 that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and or Meeting, Comments	The required informational meeting was conducted by the LEA on April 8, 2010, at 6:00 p.m. No members of the public attended. No written comments were received by the LEA or WCMP staff.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA determination to support responsible agency's findings	The Department is a responsible agency under CEQA with respect to this project, a proposed revised solid waste facilities permit. WCMP staff has determined that the CEQA record can be used to support the Deputy Director's action on the proposed revised permit. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History

An inspection of the facility by WCMP staff in the Compliance, Evaluation, and Enforcement Division on July 13, 2010 noted no violations.

The LEA has observed a number of violations of State Minimum Standards during the past five years, but no violations since June 2009. The LEA has on occasion inspected the facility twice a month, which has lead to some violations being cited twice in one month.

From January 2006 – June 2009:

- Three violations of State Minimum Standards in June 2009 – vector and bird control, supervision and personnel, and training.
- Sixteen violations of State Minimum Standards in 2008 – site maintenance nine times (cited twice in June), waste tire storage, equipment, solid waste removal, general design requirements cited two times in July, vector and bird control, and personnel health and safety.
- Seven violations of State Minimum Standards in 2007 - site maintenance four times, drainage control, supervision and personnel, and vector and bird control.
- Fifteen violations of State Minimum Standards in 2006 – site maintenance two times, general design requirements, permit review three times (cited twice in September), terms and conditions of permit, cleaning three times, drainage control three times, litter control, and traffic control.

Of the forty-one violations cited since January 2006, fifteen of the violations were for site maintenance. Unstable geology under the site has attributed to some of the site maintenance violations. The operator has addressed the violations in a timely manner. For example, on July 17, 2008 the LEA inspected the facility and noted four violations; then returned the next day, July 18, for a re-inspection and found all but one violation had been corrected. The remaining violation was for general design requirements as the tip floor was in need of repair, which was corrected by the contractual agreement of the appropriate contractor as documented in the LEA's August 20, 2008 inspection report. At that time, it was recognized that the floor repair would take some time. Therefore, the LEA cited a violation of site maintenance during the August 20th inspection, and continued to cite a violation until the floor repair was complete, which occurred on October 26, 2008. It was these two days in July, which accounted for the two general design requirements violations cited in 2008, as indicated above.

Environmental Analysis

State law requires compliance with the California Environmental Quality Act either through the preparation, circulation and adoption/certification of an environmental document and mitigation reporting or monitoring program or by determining that the proposal is categorically or statutorily exempt.

The Daly City Planning Commission, acting as Lead Agency, prepared the following environmental document for the Mussel Rock Transfer Station:

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2009052099 was circulated for a 30-day review period from May 29, 2009 through June 29, 2009. The Daly City Council adopted the Mitigated Negative Declaration on July 13, 2009. A Notice of Determination was filed with the State Clearinghouse on July 14, 2009.

The Mitigated Negative Declaration included the following: change in the hours of operation, installation of an additional compactor unit, installation of recyclable material containers, including one for e-waste; one for tires, and installation of a retaining wall.

The Local Enforcement Agency, the San Mateo County Environmental Health Division, has provided a finding that the proposed SWFP is consistent with and supported by the cited environmental document.

Department staff recommends the Mitigated Negative Declaration above as adequate for the Director's environmental evaluation of the proposed project for those project activities which are within the Director's expertise and/or powers, or which are required to be carried out or approved by the Department.

Local Issues

The California Environmental Quality Act record indicates no offsite cumulative environmental impacts. The project document availability, hearings, and associated meetings were noticed consistent with the California Environmental Quality Act and Solid Waste Facility Permit Requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community. Census information indicates that the surrounding population is approximately 28.3% white, 3.4% black or African American, 0.4 % American Indian, 53.3% Asian, 1.7% Pacific Islander, 9.0 % "some other race," and 3.9% "two or more races." A total of 23.9 % of the total population described themselves as Hispanic or Latino. 2.8% of the families in the Census Tract were below the poverty level.

Staff has not identified any environmental justice issues related to this item. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

Public Comments

No public comments have been received by Department or LEA staff. No members of the public attended the informational meeting on April 8, 2010.

Department Staff Actions

Permits staff have worked with the LEA throughout the permit process by providing guidance and comments on permitting documents.